

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In re: Case No. 08-
SHAPES/ARCH HOLDINGS L.L.C., et al., Judge:
Debtors. Chapter: 11

**ORDER AUTHORIZING THE DEBTORS TO MAINTAIN CURRENT BANK
ACCOUNTS, USE EXISTING BUSINESS FORMS AND MAINTAIN
EXISTING CASH MANAGEMENT SYSTEM ON AN INTERIM BASIS**

The relief set forth on the following pages, numbered two (2) through four (4) is hereby
ORDERED.

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Upon consideration of the verified motion (the “Motion”)¹ of the above-captioned debtors and debtors-in-possession (the “Debtors”), for an Order authorizing the Debtors to maintain currently existing Bank Accounts, to continue using its existing business forms and to maintain its existing cash management system; and notice having been given to the United States Trustee; and such notice being sufficient under the circumstances; and such relief being necessary to assure that operation of the Debtors’ businesses will not be disrupted and that its value as a going-concern will not be impaired; and after due deliberation and sufficient cause, it is ORDERED:

1. That the Motion is GRANTED;
2. That the Debtors are authorized and empowered to maintain and to continue to use their prepetition Bank Accounts;
3. That the Bank Accounts shall be treated as the Debtors’ accounts, in their capacity as debtors-in-possession, for all purposes;
4. That the Debtors are authorized and empowered to use, in their present form, all business forms, checks, documents and other stock related to the Bank Accounts. All checks are to bear the designation “Debtor-in-Possession (Case No. 08-_____);”

¹ Unless otherwise defined herein, all capitalized terms shall have the same meanings ascribed to them in the Motion.

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5. That the Debtors are authorized and empowered to maintain their cash management system in the same manner and form as existed prepetition, other than exceptions noted in the Motion;

6. That all banks and financial institutions providing, maintaining, or holding the Bank Accounts shall be authorized and empowered to service and administer the Bank Accounts without interruption and in the usual and ordinary course of business provided, however, that no bank or financial institution shall exercise any claimed rights of setoff or offset of amounts against any Bank Account (including the right to administratively freeze any Bank Account) without obtaining a further order of this Court;

7. That no such bank or financial institution shall honor any check or draft issued on account of a claim arising prior to the Petition Date unless so authorized by an order of this Court;

8. That each bank and financial institution shall receive, process, honor, and pay all checks and drafts drawn on the Bank Accounts on account of any claim (as defined in 11 U.S.C. § 101(5)) arising on or after the Petition Date and those claims arising prior to the Petition Date for which Request have received specific authorization from this Court, provided that sufficient funds, whether deposited prior or subsequent to the Petition Date, are in the Bank Account to cover and permit payment thereof;

9. That to the extent checks issued prior to the Petition Date which the Debtors received specific authorization from this Court to honor are drawn after the Petition Date and

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dishonored, the Debtors have the authority to reissue such checks in accordance with the relief requested by the Debtors' in the Motion;

10. That the Debtors have the authority to open new debtor-in-possession bank accounts in the event that the Debtors determine that such new accounts are necessary or appropriate for their continued operations, such new debtor-in-possession bank accounts must bear the designation "Debtor-in-Possession (Case No. 08-_____)"

11. That the Debtors are hereby authorized and empowered to take such actions as may be necessary and appropriate to implement the terms of this Order; and

12. That the Office of the United States Trustee shall be allowed 60 days, such time period to be extended for cause shown, from the date of this Order to review the Bank Accounts and management procedures, and to file a motion for the Court to reconsider this Order.

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